



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Development Review Committee

Through: Mayté Santamaria, Director of Planning & Environmental Resources

From: Ed Koconis, AICP, Administrative Manager

Date: November 1, 2016

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 122-4, "STANDARDS FOR ISSUANCE OF BUILDING PERMITS IN AREAS OF SPECIAL FLOOD HAZARD"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: November 15, 2016

I REQUEST

The Planning & Environmental Resources Department is proposing amendments to the text of §122-4 of the Monroe County Code (MCC). The purpose of the proposed amendment to the Land Development Regulations is to allow enclosed areas larger than 300 square feet below an elevated structure at grade for nonresidential, commercial or industrial uses for limited storage or parking purposes.

II RELEVANT PRIOR COUNTY ACTIONS

On February 16, 1988 the BOCC approved Ordinance No. 014-1988 adding language allowing for nonresidential accessory structures at grade elevation provided they "do not exceed one hundred twenty-five square feet (125 sq. ft.) of enclosed area and which does not exceed \$3,000.00 in value."

On June 6, 1989, the BOCC approved Ordinance No. 015-1989 which amended the language to allow for nonresidential accessory structures at grade elevation provided they "do not exceed three hundred (300) square feet of enclosed area and which does not exceed five thousand dollars (\$5,000.00) in value."

On January 18, 1994, the BOCC approved Ordinance No. 002-1994 which added Section 9.5-317(B)(3)(b) to address nonresidential accessory structures independently of (principal)

1 nonresidential structures. The size and value remained unchanged at not to exceed 300
2 square feet and not exceeding \$5,000.00 in value.

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4 On July 26, 2000, the BOCC approved Ordinance 039-2000 which removed the “not to
5 exceed” value on nonresidential construction constructed below the base flood level.
6

7 III REVIEW

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9 The proposed amendment would remove the 300 square feet maximum for nonresidential
10 new construction and substantial improvements of principal structures, as well as
11 nonresidential accessory structures. Developers of these types of structures have routinely
12 requested and received variances to the 300 square feet maximum from the BOCC, provided
13 they meet the required conditions and relevant factors considered of Section 122-5.
14

15 There have been 12 variance applications since 2000 and of those, 10 were for nonresidential
16 storage/parking areas exceeding 300 SF. Staff recommended approval for all ten because the
17 proposed use and construction complied with the regulations governing storage and parking
18 enclosures in special flood hazard areas.
19

20 The maximum of 299 square feet of enclosed area below the base flood elevation for
21 residential construction is not being amended.
22

23 The proposed amendments also address a scrivener’s error in Section 122-4(b)(4)b.3.
24 whereby section 122-3(b) is being corrected to 122-3(c), [see lines 15-18 on page 5 of 5]
25 which states the details of driven pilings for building foundations. Both sections are shown
26 here.
27

28 (b) *Except for work specifically exempted under chapter 6, the building*
29 *official shall require building permits/floodplain development permits*
30 *for all proposed construction or other improvements within areas of*
31 *special flood hazard. In addition to the standard requirements for a*
32 *building permit, an application for a building permit for construction or*
33 *improvements within areas of special flood hazard shall contain the*
34 *information and certifications set forth in a form provided by the*
35 *building official.*
36

37 (c) *All building foundations shall rest directly on natural rock, on concrete*
38 *piling driven to rock or on friction piling (concrete or wood) and shall*
39 *be anchored to such rock support by holes, 16 inches in minimum*
40 *diameter, augured into such rock a minimum depth of three feet and*
41 *reinforced by a minimum of four #5 vertical rods extending up into the*
42 *piers above a minimum of 18 inches and tied to the vertical steel of the*
43 *pier. Wooden pilings shall be locked into 16-inch auger foundations by*
44 *at least a #5 rebar extending through the piling and three to five inches*
45 *beyond.*
46

1
2 **IV PROPOSED AMENDMENT**
3

4 **Sec. 122-4 Standards for issuance of building permits in areas of special flood hazard.**
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6 * * * * *

- 7
8 (b) *Additional standards.* In all areas of special flood hazard where base flood elevation data
9 has been provided the following provisions are required:
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11 * * * * *

12
13 (2) *Nonresidential construction.*
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- 15 a. New construction and substantial improvements of any commercial, industrial or
16 other nonresidential structures within zone AE on the community's flood
17 insurance rate map (FIRM) shall have the lowest floor (including basement)
18 elevated to or above the base flood level or, together with attendant utility and
19 sanitary facilities, be designed so that below the base flood level the structure is
20 watertight with walls substantially impermeable to the passage of water and with
21 structural components having the capability of resisting hydrostatic and
22 hydrodynamic loads and effects of buoyancy. Elevating above base flood
23 elevation may decrease the cost of flood insurance. Where a nonresidential
24 structure is intended to be made watertight below the base flood level, a registered
25 professional engineer or architect shall develop and/or review structural design
26 specifications and plans for the construction and shall certify that the design and
27 methods of construction are in accordance with accepted standards of practice for
28 meeting the applicable provisions contained herein. A record of such
29 floodproofing certification which shall include the specific elevation (in relation
30 to mean sea level) to which structures are floodproofed shall be provided to the
31 building department. Wet floodproofing is not acceptable. New construction or
32 cumulative substantial improvements of any commercial, industrial or other
33 nonresidential structures within zones V1-30, VE or V shall have the bottom of
34 the lowest horizontal structural member of the lowest floor, elevated to or above
35 the base flood elevation.
36
- 37 b. Enclosed areas below an elevated structure at grade elevation for nonresidential,
38 commercial or industrial uses shall be permitted for limited storage or parking
39 purposes, provided that they are anchored to prevent flotation, collapse or lateral
40 movement of the structure ~~and do not exceed 300 square feet of enclosed area~~ and
41 are in accordance with the requirements of subsection 122-4 (b)(5)g. of this
42 section for V zones or subsections 122-4 (b)(1)d.1-(b)(1)d.8. of this section for A
43 zones. Plans for such structure shall be submitted to the building official for
44 approval prior to construction.
45

46 (3) *Accessory structures.*
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1 a. *Residential accessory structures.*

- 2
- 3 1. Any prefabricated light metal structure, which meets the following
- 4 criteria, may be permitted in an A or V zones—if:
- 5 (i) The enclosed area is 150 square feet or less;
- 6 (ii) The use is limited to limited storage; and
- 7 (iii) The structure is properly anchored to prevent flotation,
- 8 collapse, and lateral movement.
- 9 2. Accessory light metal structures which exceed the 150 square feet
- 10 enclosed space threshold or concrete or wood accessory structures
- 11 built on site regardless of size or value may be permitted if they meet
- 12 all of the criteria outlined in subsection 122-4(b)(1)d. within A zones
- 13 or the criteria set forth in section (b)(5)g. within V zones.
- 14

15 b. *Nonresidential accessory structures.*

- 16
- 17 1. All nonresidential accessory structures, or enclosed areas, which meet
- 18 the following criteria, may be permitted if:
- 19 ~~(i) The enclosed area is 300 square feet or less;~~
- 20 ~~(ii)~~ (i) The use is restricted to limited storage and parking only;
- 21 ~~(iii)~~ (ii) They meet the breakaway wall standards outlined in
- 22 subsection 122-4(b)(5)a. within V zones or the venting
- 23 requirements outlined in section 122-4(b)(1)d.2 within A
- 24 zones;
- 25 ~~(iv)~~ (iii) They meet the other requirements as outlined in subsection
- 26 (b)(1)d. of this section; and
- 27 ~~(v)~~ (iv) The structures are properly anchored to prevent flotation,
- 28 collapse and lateral movement.
- 29 ~~2. Accessory structures in an A zone that exceed the 300 square feet of~~
- 30 ~~enclosed space threshold may be permitted if they meet the~~
- 31 ~~floodproofing criteria outlined in subsection (b)(2)a. of this section.~~
- 32 ~~Accessory structures in a V zones that exceed the 300 square feet of~~
- 33 ~~enclosed space threshold are strictly prohibited.~~
- 34

35 (4) *Manufactured homes.*

- 36
- 37 a. Effective June 1, 1977, no manufactured home not already in place shall be
- 38 placed within areas of special flood hazard except in an existing manufactured
- 39 home park or subdivision, as hereafter defined. In the event that the Federal
- 40 Emergency Management Agency eliminates the existing manufactured home park
- 41 or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home
- 42 may be placed below the base flood elevation.
- 43
- 44 b. A manufactured home that is to be placed on a qualified lot may be placed at an
- 45 elevation below base flood elevation provided that:
- 46

1. The lot which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.
2. The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivisions in flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.
3. All other foundations requiring elevation of the structure in order to meet the floodplain standards must comply with section 122-3~~(b)~~(c), the provisions of subsection (b)(5) of this section or chapter 18 of the Florida Building Code whichever is applicable.

* * * * *

IV RECOMMENDATION

Staff has found that the proposed text amendment would be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern, the Monroe County Comprehensive Plan and the Monroe County Code.

Staff has found that the proposed text amendment would be consistent with the provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; 2. Changed assumptions (e.g., regarding demographic trends); 3. Data errors, including errors in mapping, vegetative types and natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for additional detail or comprehensiveness; or 6. Data updates.

Specifically, staff has found that the proposed text amendments are necessary due to “5. recognition of a need for additional detail or comprehensiveness.”

Staff recommends that the DRC recommend approval to amend the Monroe County Code as stated in the text of this staff report.